

February 8, 1983

LB 30, 149

PRESIDENT: The motion carries. The bill is advanced.
LB 149.

CLERK: Mr. President, LB 149 offered by Senator Lamb.
(Read title.) The bill was first read on January 11th,
referred to the Ag and Environment Committee. The bill was
advanced to General File. I have no amendments to the bill,
Mr. President.

PRESIDENT: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, this bill has to do with who is responsible when cattle get out of the pasture. I would like to start by saying I do not want to change the basic concept that the rancher or the cattle owner is basically responsible for cattle except in a very narrow sense as I will explain. I think I can best explain it by the example which was brought to my attention in Rock County. There was a center pivot established on a piece of land next to the rancher's pasture. The center pivot was misplaced. It was not placed in the center of the field and the last tower came across the fence...this is hard to believe but it is true. The end tower came across the fence into the rancher's pasture, smashed down the fence and, of course, when it came back it came back into the field again and it ruined the fence in another place. The rancher's cattle got out on the farmer's land and then the fence was fixed up but, of course, then the pivot went around again and it did the same thing the second time. Now as a result of this the rancher's cattle got out on the corn field and did a certain amount of damage. The crop owner then eventually sued for damages, I think something like forty or fifty thousand dollars. But the amazing part of it is that the insurance company, the rancher's insurance company finally settled out of court for something like \$20,000 worth of damage, even though the crop owner's center pivot was the one that knocked the fence down. So, as you read the bill it only modifies the existing situation in a very narrow sense and it says that the damages are the responsibility of the stock owner except the damages to the... in the case when the damages to the cultivated lands are not the result of negligent or willful damage to the division fence by the person claiming damages to the cultivated land. In other words, if I go out there with my tractor in my corn field and I knock down my neighbor's fence, my neighbor's cattle get over on my corn, I don't think I should be able to sue him for the damages because I knocked down the fence. That is as simple as it is. I ask that the bill be advanced.

PRESIDENT: Is there further discussion? Thank you for that very engaging story, Senator Lamb. The question is on the